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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,771	04/27/2001	Fumito Takemoto	2091-0242P	2813

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EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,771	Applicant(s) TAKEMOTO, FUMITO	
	Examiner James M. Hannett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,11,12,17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 3,4,9,10,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see amendment, filed 7/13/2006, with respect to the rejection(s) of claim(s) 1-4, 7-10 and 13-16 under 112 1st have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Spaulding et al. Due to the new grounds of rejection this action is made **NON-FINAL**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN

5,805,213 Spaulding et al.

2: As for Claims 1, 7 and 13, Spaulding et al teaches on Column 9, Lines 5-11 and depicts in figure 7 an image processing method and apparatus for obtaining image data by carrying out tone conversion processing and color correction processing on image data obtained by a digital camera, the image processing method comprising the steps of generating a 3D-LUT for carrying out tone conversion processing and color correction processing simultaneously on the image data and obtaining the processed image data according to the 3D-LUT. Spaulding et al teaches on Column 9, Lines 5-11 that the color correction transformation can include aspects of tone-scale correction, as well as color-correction. And states that a 3D-LUT can have values that represent

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the combined (simultaneous) operations for converting from the sensor color values to the primary color values and applying a desired tone scale function.

3: Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,805,213 Spaulding et al in view of 5,489,996 Oku et al.

4: In regards to Claim 2, Spaulding et al teaches the use of an image processing apparatus that uses a look-up table to correct tone and color in digital images. However, Spaulding et al does not teach the step of generating the three-dimensional look-up table for a model of a digital camera.

Oku et al teaches on Column 1, lines 17-20 and on Column 2, lines 37-63 the use of an image processing apparatus that uses three-dimensional look-up tables to correct tone and color in digital images. Oku et al further teaches that it is advantageous to perform the color correction in consideration of the color reproduction characteristics of the image recording apparatus in order to record an image with good color reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the color correction and tone correction process of Spaulding et al in consideration of the color reproduction characteristics of the image recording apparatus as taught by Oku et al in order to record an image with good color reproduction.

5: In regards to Claim 8, Claim 8 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 8.

6: In regards to Claim 14, Claim 14 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 14.

Allowable Subject Matter

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3: Claims 5, 6, 11, 12, 17 and 18 are allowed.

4: Claims 3, 4, 9, 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach the step of comparing the total number of pixels in an image with the total number of lattice points in the 3D-LUT and performing the tone and color correction process according to the comparison. Furthermore, the prior art does not teach setting the number of lattice points in the 3D-LUT according to the number of bits of the image data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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James M. Hannett
Examiner
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A handwritten signature in black ink, appearing to read 'J. M. Hannett', written over the printed name.

JMH
September 26, 2006